

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SENCO BRANDS, INC.,

Plaintiff,

v.

HITACHI KOKI USA, LTD,

Defendant

C.A. No. 17-598 (GMS)

**STIPULATION AND [PROPOSED] ORDER TO
STAY ACTION PENDING ITC INVESTIGATION**

Plaintiff Senco Brands, Inc. (“Senco”) and Defendant Hitachi Koki USA, Ltd. (“Hitachi Koki”) hereby stipulate as follows, subject to the approval of the Court.

On November 15, 2017, the United States International Trade Commission (“Commission”) instituted Investigation No. 337-TA-1082 based on Senco’s allegations of infringement of the same six patents at issue in this action, U.S. Pat. Nos. 8,011,547, 8,267,296, 8,267,297, 8,387,718, 8,286,722 and 8,602,282 (“ITC Proceeding”). (Ex. A) Hitachi Koki was named as the sole Respondent in that investigation.

Pursuant to 28 U.S.C. § 1659, Hitachi Koki is entitled to a mandatory stay of this action until the determination of the Commission in the ITC Proceeding becomes final.

The parties therefore stipulate and agree to an immediate stay of this action until such time as the ITC Proceeding is fully resolved.

/s/ Kelly E. Farnan

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SO ORDERED:

Date: _____

United States District Judge